

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2473**

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**Introduced by Assembly Member Atkins**

February 24, 2012

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An act to amend ~~Section 679 of the Civil~~ Sections 69922 and 69926 of the Government Code, relating to ~~property ownership~~ courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2473, as amended, Atkins. ~~Property ownership.~~ Court security.

*The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with a sheriff or marshal for the necessary level of law enforcement services in the courts. Existing law requires the sheriff or marshal and presiding judge of any county to develop a court security plan to be utilized by the court, as specified, and requires the Judicial Council to establish a process for its review of court security plans in the California Rules of Court. Existing law requires the superior court and the sheriff or marshal to enter into a memorandum of understanding specifying the agreed upon level of court security services and their cost and terms of payment, and requires the sheriff or marshal to provide specified information to the courts by April 30 of each year, with actual court security allocations subject to the approval of the Judicial Council and the funding provided by the Legislature.*

*This bill would state that the court security services provided by the sheriff, as agreed upon by the superior court and the sheriff, may include, but shall not be limited to, among other things, performing bailiff functions, escorting prisoners to and from holding cells, and*

*providing security in areas adjacent to a courthouse facility, as specified.*

~~Existing law governs the ownership of property, which may either be qualified or absolute. Under existing law, the ownership of property is absolute when a single person has the absolute dominion over it, and may use or dispose of it according to his or her pleasure, subject only to general laws.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 69922 of the Government Code is*  
2     *amended to read:*

3     69922. Except as otherwise provided by law, whenever  
4     required, the sheriff shall attend all superior court *sessions* held  
5     within his or her county. A sheriff shall attend a noncriminal,  
6     nondelinquency action, however, only if the presiding judge or his  
7     or her designee makes a determination that the attendance of the  
8     sheriff at that action is necessary for reasons of public safety. The  
9     court may use court attendants in courtrooms hearing those  
10    noncriminal, nondelinquency actions. Notwithstanding any other  
11   ~~provision of law, the presiding judge or his or her designee may~~  
12   provide that a court attendant take charge of a jury, as provided in  
13   Sections 613 and 614 of the Code of Civil Procedure. The sheriff  
14   shall obey all lawful orders and directions of all courts held within  
15   his or her county.

16    *SEC. 2. Section 69926 of the Government Code is amended to*  
17    *read:*

18    69926. (a) This section applies to the superior court and the  
19    sheriff or marshal's department in those counties in which either  
20    of the following apply:

21    (1) The sheriff's department was otherwise required by law to  
22    provide court security services on and after July 1, 1998.

23    (2) Court security was provided by the marshal's office on and  
24    after July 1, 1998, the marshal's office was subsequently abolished  
25    and succeeded by the sheriff's department, and the successor

1 sheriff's department is required to provide court security services  
2 as successor to the marshal.

3 (b) (1) The superior court and the sheriff or marshal shall enter  
4 into an annual or multiyear memorandum of understanding  
5 specifying the agreed upon level of court security services, cost  
6 of services, and terms of payment. ~~The~~

7 (2) *As agreed upon by the superior court and the sheriff, the*  
8 *court security services provided by the sheriff may include, but*  
9 *shall not be limited to, all of the following:*

10 (A) *Performing bailiff functions.*

11 (B) *Taking charge of a jury, as provided in Sections 613 and*  
12 *614 of the Code of Civil Procedure.*

13 (C) *Patrolling hallways and other areas within court facilities.*

14 (D) *Overseeing prisoners in holding cells within court facilities.*

15 (E) *Escorting prisoners to and from holding cells within court*  
16 *facilities.*

17 (F) *Providing security screening within court facilities.*

18 (G) *Providing enhanced security for judicial officers and court*  
19 *personnel.*

20 (H) *Providing security in areas adjacent to a courthouse facility*  
21 *to the extent necessary to protect the safety of both the facility and*  
22 *the judicial officers, court personnel, and other people using the*  
23 *facility.*

24 (3) *The cost of services specified in the memorandum of*  
25 *understanding shall be based on the estimated average cost of*  
26 *salary and benefits for equivalent personnel classifications in that*  
27 *county, not including overtime pay. In calculating the average cost*  
28 *of benefits, only those benefits listed in paragraph (6) of*  
29 *subdivision (a) of Section 69927 shall be included. For purposes*  
30 *of this article, "benefits" excludes any item not expressly listed in*  
31 *this subdivision, including, but not limited to, any costs associated*  
32 *with retiree health benefits. As used in this subdivision, retiree*  
33 *health benefits includes, but is not limited to, the current cost of*  
34 *health benefits for already retired personnel and any amount to*  
35 *cover the costs of future retiree health benefits for either currently*  
36 *employed or already retired personnel.*

37 (c) The sheriff or marshal shall provide information as identified  
38 in the contract law enforcement template by April 30 of each year  
39 to the superior court in that county, specifying the nature, extent,  
40 and basis of the costs, including negotiated or projected salary

1 increases of court law enforcement services that the sheriff  
2 proposes to include in the budget of the court security program for  
3 the following state budget year. Actual court security allocations  
4 shall be subject to the approval of the Judicial Council and the  
5 funding provided by the Legislature. It is the intent of the  
6 Legislature that proposed court security expenditures submitted  
7 by the Judicial Council to the Department of Finance for inclusion  
8 in the Governor's Budget shall be as defined in the contract law  
9 enforcement template.

10 (d) If the superior court and the sheriff or marshal are unwilling  
11 or unable to enter into an agreement pursuant to this section on or  
12 before August 1 of any fiscal year, the court or sheriff or marshal  
13 may request the continuation of negotiations between the superior  
14 court and the sheriff or marshal for a period of 45 days with  
15 mediation assistance, during which time the previous law  
16 enforcement services agreement shall remain in effect. Mutually  
17 agreed upon mediation assistance shall be determined by the  
18 Administrative Director of the Courts and the president of the  
19 California State Sheriffs' Association.

20 ~~SECTION 1. Section 679 of the Civil Code is amended to read:~~

21 ~~679. The ownership of property is absolute when a single~~  
22 ~~person has the absolute dominion over it, and may use or dispose~~  
23 ~~of it according to his or her pleasure, subject only to general laws.~~